



Chief Little Shells tribe of landless chippewa indians of montana: a question of recognition
by Jeanne Marie Oyawin Eder

A thesis submitted in partial fulfillment of the requirements for the degree of MASTER OF ARTS in
History

Montana State University

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Abstract:

Chief Little Shell's Tribe of Landless Chippewa Indians' of Montana is one of approximately three hundred Indian tribes that are presently applying for federal recognition. Chief Little Shell's tribe has a history that is complicated by mixed blood ancestry of Chippewa and European stock. The tribe's fate in Montana is intermingled with the movement of the Rocky Boy Band of Chippewa Indians and the Little Bear Band of Cree Indians into the state in the late 1800's. At approximately the same time, Little Shell moved his band into Montana in protest to the fact that his tribe was left off enrollment records of the Turtle Mountain Reservation in North Dakota for its refusal to sign away ancestral lands. Upon arrival in Montana, the Little Shell group became identified with the Rocky Boy Chippewa and the Little Bear. Cree. Although the Rocky Boy Reservation was established in 1916 for the Chippewa and Cree living in Montana, the Little Shell group was again left off tribal enrollment records. As a result, these people are presently unrecognized by the federal government. However, they have a unique language base, a combination of French and Cree with the Cree portion of the language the key element in its makeup. It is on the basis of this strong identifiable language that Chief Little Shell's Tribe of Landless Chippewa Indians of Montana deserves federal recognition as a legitimate Indian group.

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May 27, 1983

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ABSTRACT

Chief Little Shell's Tribe of Landless Chippewa Indians of Montana is one of approximately three hundred Indian tribes that are presently applying for federal recognition. Chief Little Shell's tribe has a history that is complicated by mixed blood ancestry of Chippewa and European stock. The tribe's fate in Montana is intermingled with the movement of the Rocky Boy Band of Chippewa Indians and the Little Bear Band of Cree Indians into the state in the late 1800's. At approximately the same time, Little Shell moved his band into Montana in protest to the fact that his tribe was left off enrollment records of the Turtle Mountain Reservation in North Dakota for its refusal to sign away ancestral lands. Upon arrival in Montana, the Little Shell group became identified with the Rocky Boy Chippewa and the Little Bear Cree. Although the Rocky Boy Reservation was established in 1916 for the Chippewa and Cree living in Montana, the Little Shell group was again left off tribal enrollment records. As a result, these people are presently unrecognized by the federal government. However, they have a unique language base, a combination of French and Cree with the Cree portion of the language the key element in its makeup. It is on the basis of this strong identifiable language that Chief Little Shell's Tribe of Landless Chippewa Indians of Montana deserves federal recognition as a legitimate Indian group.

CHAPTER 1

THEY ARE AN IN-BETWEEN PEOPLE

Chief Little Shell's Tribe of Landless Chippewa Indians is a vanquished and dispossessed race. As one of approximately three hundred tribes of Indians not recognized by the United States government as viable and legitimate Indian groups, they are denied the services usually given to Indian tribes by the United States government. This denial has forced them to turn to city, state, and county agencies. However, because these agencies view them as Indian and as the responsibility of the Bureau of Indian Affairs, they are again denied services. As Walter Denny, Elder of the Rocky Boy Tribe, aptly describes the Little Shell Indians, "They are an in-between people."¹ They are in-between two cultures, two forms of government, and two countries.

Their story begins with roots deep within intermarriage with the Cree, Sioux, Ottawa, and Assiniboine Indians and with the Europeans. These intermarriages resulted in offsprings who would belong to no single ethnic group. They were called by many names. The English referred to them as half-breeds. The French called them 'bois-brule', meaning burnt wood, a translation of the Chippewa word meaning "men partly-burned." The French also used the term 'metis',

meaning "of mixed blood," to describe their mixed ancestry. The people speak of themselves as 'Michif', a Chippewa-Cree pronunciation of 'metis'.²

During the late 1800's, the Chippewa and Cree Indians moved into Montana in three separate phases. The first was the Cree group led by Little Bear; the second, the Chippewa group led by Rocky Boy; and the last, the Little Shell Chippewa from the Turtle Mountain region of North Dakota led by Little Shell. All three groups arrived after the establishment of existing reservations in the state.

Throughout their history, the Cree were a nomadic people, related to the Eastern Woodland tribes of Algonkian, Montagnais, Nakapi, and Micmac. They lived in the heart of the North American continent in the great basin of the Red River of the North, an area that extended from central Minnesota to Lake Winnipeg. In this area, the glacial drift prairie that stretched two hundred miles west to the Missouri River Plateau joined three great river basins: the Nelson, draining north to Hudson Bay; the St. Lawrence, tumbling eastward to the Atlantic; and the mighty Mississippi, rolling slowly southward to the Gulf of Mexico. And only a little way to the west, across a ridge so low that travelers scarcely noticed it, lay the country of the Upper Missouri. This area, with its abundance of fur-bearing animals and buffalo, provided the Cree with furs for trade

with those who traveled these rivers.³ The St. Lawrence canoe route brought the French voyageurs. The French were willing to adopt the culture of the Indian people and to marry their women, hoping through intermarriage to gain a foothold on the North American continent.⁴ The Hudson Bay brought the English and the Scots. They were the most unpopular of the newcomers as their primary goal was the acquisition of financial gain. The Mississippi brought the American settlers and adventurers, asserting their Manifest Destiny. From the Upper Missouri of the west came mountain men in search of adventure.⁵

The establishment of the fur trade in the late 1600's marked the beginning of a new lifestyle for the Indians on the North American continent. Because of their location, the Cree became middlemen in this fur trade industry and maintained an access to all the trading posts. They eagerly sought the trade goods of Europe, placing greatest trade value on the gun. In their golden age the Cree were the most important Indian group in Canada.⁶

This golden age of fur trading began shortly after Charles II of England issued a charter in 1670 to "The Governor and Company of Adventurers of English Trading into Hudson's Bay," granting the company access to all the land drained by the rivers that entered Hudson Bay. This included territory in what are now the states of Minnesota, North Dakota, and Montana. After England set up the Hudson

Bay Company, the French followed, establishing the North West Company with its headquarters in Montreal, deep within fur country. Those Indians who chose to sell to the English had a long trek to the posts on the Bay, whereas those who wanted convenience traded with the "Norwesters."⁷ The competition for the fur trade and the building of empires on this new continent by both the British and the American colonists created mounting unrest. After the Hudson Bay Company absorbed the North West Company, it faced the competition of the American fur companies. Because smugglers contributed considerably to the decline of the power of the Hudson Bay Company, by 1830 the profits of fur trade had shifted to the American fur companies.

Between the years 1871 and 1876 the Dominion of Canada made a series of treaties with the Cree. These treaties confined the Cree to a specific range and obligated them to uphold the peace, thus, increasing the unrest between the white man and the Indian. With a confinement to the reserves, loss of power in the fur trade, and the disappearance of the plains buffalo, the Cree sought remedy through rebellion.⁸ In 1885 under the leadership of a half-breed, Louis Riel, several bands of Cree and Michif raided trading posts, killing white settlers. Although, the Dominion of Canada quickly put down the resistance of the Indians, the Louis Riel Rebellion remained in their memory for many

years and would later cause much conflict.⁹

The history of the Indian people of Canada parallels that of the Indians in the continental United States. The struggle of the Cree and Michif people was a valiant but futile one. Like refugees at the end of any war, after the Riel Rebellion bands of Cree and Michif, led by Little Bear, drifted South across the international boundary into Montana.¹⁰ From this time on, they would be known only as the Cree from Canada. Here began their endless search for a place to settle.

In the same way the Chippewa Indians, also called the Plains-Ojibwa, suffered from tribal misidentification and geographical mislocation. The Chippewa consists of several Indian groups that are designated by the United States Bureau of Indian Affairs as Chippewa or Chippewa-Cree. The Bureau of Indian Affairs also views the Bungi of North Dakota and Montana as segments of the Ojibwa group. The Chippewa are woodland Indians of Minnesota, Wisconsin, and Michigan. The government seems to believe that these woodland Chippewa scattered onto the Plains complete with their original culture intact. Many historians maintain that this view is too narrow and that it denies the adaptive abilities of Indian groups that came onto the Plains and formed cultural identities different from their woodland cousins.¹¹

By 1880 the Chippewa were well established on the

plains. At this time they divided themselves into two distinct ethnic groups: the 'full-bloods' and the 'Michif'. The term 'full-blood' was used to designate those individuals who "adhere to 'Indian' as opposed to 'half-breed' way of life."¹² The Michif members of the tribe, although basically Chippewa, had a large amount of French and other European ancestry and were the descendants of the voyageurs and wagonmen of the fur trade era.¹³ Because of this blending of French and Indian cultures, the Chippewa developed their own unique culture.

The Chippewa also entered the fur trade with the British and the French. During the late seventeenth and early eighteenth centuries, they were at the peak of their influence in the Great Lakes Region. They successfully pushed the Sioux out of northern Minnesota and stopped the westward expansion of the Iroquois Confederation. As was true for most of the Indian nations, their power came to an end in the late eighteenth century. In 1815, the Chippewa, like the Cree, underwent a series of treaty negotiations with the rapidly expanding United States government. These treaties confined the Chippewa to reservations in Minnesota and Wisconsin. Refusing to be confined, many of the bands found their way onto the plains and joined with the other plains tribes. Rocky Boy's band may well have been a part of this movement. Although there is no record of when his band left

Minnesota, the most accurate assumption is that they either settled with the Chippewa in the Turtle Mountain region or moved with the Cree across the plains of Canada.¹⁴

In October of 1863, the United States government negotiated its first treaty with the Red Lake and Pembina Bands of Chippewa at the Old Crossing of Red Lake River in Minnesota. In this treaty, the Chippewa bands ceded right, title, and interest to lands owned and claimed by them in Minnesota. In return, the United States government agreed to pay them twenty thousand dollars per annum for twenty years. According to the terms of the treaty, one quarter of this amount was to be applied to agriculture, education, the purchase of goods, and other beneficial purposes.¹⁵ For the next twenty years the Pembina band of Chippewa, under the leadership of Chief Little Shell, pushed for compensation for other lands they claimed in the Turtle Mountain region of North Dakota. In 1882, in response to their claim, President Arthur designated twenty-two townships as the Turtle Mountain Indian Reservation. A tribal roll was prepared, and all members of Chief Little Shell's band of Chippewa were enrolled. All the enrolled members then selected land on the newly created reservation for their homes. The United States government supplied them with food, livestock, farm implements, and seeds so they would be able to set up farming activities.

However, two years later, the federal government

diminished the reservation land from twenty-two to two townships. The two least desirable townships were reserved for the Indians, and the remaining twenty townships were opened to white settlement. At this time a new tribal roll was prepared, and all Indians who were not living within the two townships and who were not carried on this new roll were told to homestead on other lands. At the counsel of Chief Little Shell and other leaders of the tribe, these displaced Indians refused to comply with the federal order.¹⁶

Chief Little Shell strongly opposed the diminishing of the reservation lands and fought for many years to have the twenty townships reinstated as tribal land. In response to this controversy, on August 19, 1890, the Indian Appropriations Act was passed providing that a commission should visit the reservation and negotiate with the Turtle Mountain people for the purpose of settling their alleged claim. The Sixty-First Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior in 1882 reported:

They have for many years claimed title to a large tract of land in North Dakota, comprising about 9,500,000 acres, and have insisted with great earnestness that the government should pay them for it.¹⁷

However, no mention was made in the report that their claim was in any way a valid one. The Indian Appropriations Act of July 13, 1892, again made provisions for a commission to negotiate with Little Shell and his tribe for cession and

relinquishment to the United States of whatever rights or interests they might have on these lands they were claiming.¹⁸ In a further attempt to negotiate with the Turtle Mountain Indians for cessation of their claim, Congress authorized the formation of a three member commission. Known as the McCumber commission, this three man commission was given authorization to prepare a tribal roll. However, because the commission did not arrive at the Turtle Mountain Reservation until two years after its formation, this time lapse forced the Indian people, particularly Chief Little Shell's band, to wander westward in search of food.

In 1891, Chief Little Shell wrote to the Commissioner of Indian Affairs from Wolf Point, Montana, proposing to vacate the Turtle Mountain area in exchange for a reservation adjacent to the Fort Peck Indian Reservation in Montana. The Commissioner refused Little Shell's request. In his response, the Commissioner stated that since the land Little Shell requested was part of public domain, it could not be given in exchange for lands elsewhere. He also explained that there was not enough land on the Fort Peck Reservation for the Little Shell group.¹⁹

In 1891, John Waugh was the current Indian agent on the Turtle Mountain Reservation. As agent, he had control over all food rationing and over all social and business activities on the reservation. Because of this he had absolute authority over the internal affairs of the tribal group.

When the Commissioner requested a determination of the number of Chippewa and mixed-blood Indians on the Turtle Mountain Reservation, John Waugh appointed a committee of thirty-two men, sixteen full-blood Chippewa and sixteen Michif, to represent the Turtle Mountain people. Because Little Shell and his band were in Montana at the time this committee was formed, they were not included as members. Waugh charged the committee to prepare the tribal roll and to delete from the earlier roll the names of those families who should not be entitled to participate. Since the committee was hand-picked by Waugh, Little Shell later questioned the authenticity of the membership list contending that Waugh had overexerted his authority when he deleted the Little Shell Band from the tribal roll.

When the three-man McCumber Commission finally arrived in September of 1892, the standing committee of thirty-two select men presented their report of eligible members. Despite Little Shell's protest that the names of his band had been unjustly omitted from the tribal roll, the McCumber Commission informed Little Shell that they could only approve the committee report Waugh prepared for them. Despite continued protests from Little Shell and his followers, the McCumber Commission finished hearing the report of the committee and on September 24, 1892, published the roll of eligible members. The names of most of Little Shell's

followers were deleted from this list. Shortly after the roll was published, the following letter was sent to those whose name had been dropped from the enrollment list:

Notice is hereby given to all parties who are not residents of the Turtle Mountain Reservation, or enrolled as members of the Turtle Mountain Band and accepted by the Commission now present as entitled to participate in any proceedings with the said Commissioners having in view the making of arrangements for a Treaty, are hereby directed to withdraw from within the limits of the Turtle Mountain Reservation or be at once arrested.²⁰

The McCumber Commission continued its negotiations with the people of the Turtle Mountain area. In the final agreement, the Turtle Mountain Indians agreed to withdraw their claim to all of the 9,500,000 acres except for the two townships they had been given. In return, the government promised to pay them one million dollars. Because this amounted to approximately ten cents per acre, the treaty became known as the Ten-Cent Treaty.²¹ Appalled that the government was offering his people so little for their land, Little Shell mailed a letter of protest to Washington, D.C., stating that he would chose exile in Montana over signing away his homelands for ten cents an acre. However, his protest was never considered, and in 1904 Congress ratified the McCumber Commission's report and the Ten-Cent Treaty.

In the final ratification, the federal government made provisions for all members of the Turtle Mountain band who were unable to secure land on the reservation to homestead

on any vacant land in the public domain and still retain their rights to tribal funds, annuities, and properties held by the Turtle Mountain group.²² The year after Congress ratified the Ten-Cent Treaty, the Assistant U.S. Attorney General held that before final approval of the treaty, a release would have to be obtained from all Turtle Mountain Indians. In protest to the treaty, Little Shell and his followers refused to sign the release. Because of their refusal, their names were dropped permanently from tribal rolls. In his report of 1906, Francis E. Leupp, Commissioner of Indian Affairs, stated that those Indians who had resided on the Turtle Mountain Reservation but had been "permanently removed therefrom" would no longer be eligible for grants.²³ This stipulation dealt a crucial blow to both the Michif and Little Shell's band. For many years, their destiny was to lie in their ability to survive as nomads in the state of Montana.

CHAPTER 1 - FOOTNOTES

¹Walter Denny, Interview held on the Rocky Boy Reservation, 15 June 1977.

²Verne Dusenberry, The Montana Cree: A Study in Religious Persistence (Stockholm: Almqvist and Wiksell, 1962), pp.28-46.

³Joseph Kinsey Howard, Strange Empire (New York: William Morrow and Company, 1952), pp.2-30.

⁴Bruce Sealey, "Indians of Canada: A History Sketch," in Indians Without Tipis, Bruce Sealey and Verna J. Kirkness, eds. (Ontario: The Book Society of Canada, Ltd., 1973), pp.18-20.

⁵Howard, Strange Empire, pp.30-32.

⁶Ibid., pp.56-66.

⁷Ibid., p.185.

⁸Dusenberry, The Montana Cree: A Study in Religious Persistence, p.32.

⁹Ibid., pp.33-34.

¹⁰Ibid., pp.33-35.

¹¹Verne Dusenberry, "The Rocky Boy Indians," Montana Magazine of History 4 (Winter 1954):7-9.

¹²James H. Howard, "The Plains Ojibwa or Bungi," (Unpublished Manuscript, Anthropological Papers Series, No. 1: University of South Dakota Museum Manuscript Collection, 1965), p.5.

¹³Ibid., p.10.

¹⁴Ibid.,p:11.

¹⁵Thomas R. Wessel, History of the Rocky Boy Reservation (Unpublished Manuscript: Montana State University Library, 1973),pp.7-10.

¹⁶Ibid.,p.8.

¹⁷Treaties and Agreements of the Chippewa Indians (Washington, D.C.: Institute for the Development of Indian Law, pp.103-107.

¹⁸Raymond Gray, "History of the Cree Indians" (Unpublished WPA Writers' Project manuscript, Montana State University Library, 1942), p.11.

¹⁹U. S. Department of Interior: Sixty-First Annual Report of the Commissioner of Indian Affairs (Washington,D.C.: U.S. Government Printing Office, 1892), pp.77-78.

²⁰Ibid.,p.78.

²¹Verne Dusenberry, "Waiting for a Day that Never Comes." Montana: The Magazine of Western History 8 (Spring 1958): 33-34.

²²Ibid.,pp.3-35.

²³Ibid.,pp.36-37.

CHAPTER 2

FROM THE DAYS OF OUR ANCESTORS

When Little Bear and his band of Cree arrived in Montana in 1885, they went to the Wolf Point area, near the present border of the Fort Peck Reservation. At the time, Little Bear was thirty-four years old, a warrior, and the tutored son of Big Bear, respected leader of all Cree. He was also a hunted man with a price on his head because of his participation in the Riel Resistance. In his youth, he and his people had traveled from Fort Pitt in Canada to the Missouri River in Montana in search of the now extinct buffalo. Upon bringing his people to Montana Little Bear had addressed them, saying:

Ki ash, long ago we lived in this new land. We fought the enemies of all Cree. All of the Indians of the South feared and respected the Cree. Game was plentiful here and our children were never hungry. Today there is a strange people here with a strange religion. They talk with two tongues. They are as many as the stars above us and they have taken our land, killing all the buffalo. The agents have told the Indians that we have made war on the government. The Indians in this new land have been told to drive us away if they should see us near their reservations. The soldiers have been told to make war on us. The Red Coats, when they ordered us out of Canada, have taken all our weapons. We lived by our guns. We are hungry and cannot fight.... It makes me sad to think that we cannot live the way we have lived in the past. It makes me sad and my heart is on the ground. We must live in little bands near the white man's town.... Sometime, I, Little Bear, will call all the bands together.¹

Little Bear set up camp near Fort Assiniboine and sent his men to perform odd jobs for the military. By 1888, Little Bear's followers were camped in nearly one hundred lodges in the vicinity of the fort. They managed to make a living by hunting, fishing, and trapping, and by cutting cord wood for the contractors who were furnishing Fort Assiniboine.² The winter months brought desperate conditions for the wandering homeless Indians. The winter was also hard on the local cattle ranchers. Fearful of another harsh winter, the ranchers pressed for more hay land which was only to be found in Indian country. In response to the demands of ranchers for open grazing land to meet the needs of their cattle herds, in 1887 and 1888 the federal government enacted new treaties with the Indians shrinking the size of the reservations of the Blackfeet, Gros Ventre, and Assiniboine to their present day size. With those tribes safely on reservations, the wandering Cree became the major source of antagonism for the ranchers.³

In 1887, newspaper reports told of another harsh, freezing winter and described the Cree Indians as near starvation. In response to their plight, President Cleveland authorized the use of disaster funds to help the Cree through the winter. In the summer of the same year the Cree went in search of a place to settle permanently. Appearing before a council of chiefs and representatives of the Pend

d'Oreille, Flathead, and Kutenai tribes, Little Bear asked permission to settle sixty Cree families on the Flathead Reservation. However, The United States government had decided at this time to place Chief Charlo's band of Salish on the Flathead Reservation. Although Michelle, Chief of the Pend d'Oreille sympathized with the plight of the Cree, he was forced to reject their proposal. The Cree then wandered the state in search of employment and a place to settle. In their search, grievances against them multiplied, and they frequently encountered negative receptions from cattle ranchers.⁴ As long as they had been able to remain in Montana hunting the buffalo, their lives had been abundant. But as the white man pushed into the state claiming more and more of the land for his own use, the Indians were no longer able to maintain their old way of life. As Raymond Gray stated in his report on the Cree Indians in Montana, "Soon these people became a wandering band of tramps, seeking odd jobs but depending largely on the charities of the public."⁵

Montana became a state in 1889. During his first years in office, Joseph Toole, the first governor of the new state, received numerous letters of request for removal of the Cree Indians from Montana. The Fort Benton Press expressed the opposition of many settlers in the following editorial statement:

We are pleased to note that Governor Toole has taken the matter in hand, and sincerely trust that he will give Secretary Blaine no rest until these

Indians are taken and put upon a reservation and kept there either by Canada or the United States. If they are Canadian wards they should be sent across the line before a spell of hard weather comes and they are again thrown upon the charity of the State of Montana, as was the case in the winter of 1886-1887. If they claim United States protection and can make their claim good, then let our Government take charge of them, and put them on a reservation, and treat them just as it does other tribes of Indians.⁶

An active campaign began with the added efforts of politicians and ranchers to deport the Cree back to Canada. When Governor Toole left office, his successor, Jack Rickards, continued these efforts. Finally, in 1896, after years of negotiation with Canadian officials, the Dominion government granted a general amnesty to all those involved in the 1885 Louis Riel Rebellion. Congress also appropriated \$5,000 for the deportation campaign. The Cree had plenty of time to leave the state before the troops could round them up, but Governor Rickards and Major J. M. J. Sanno of the Third Infantry negotiated with Little Bear to get his people to agree to the deportation and to explain to them that an agreement had been made with the Canadian government granting amnesty to those involved in the 1885 Riel Rebellion. At this time, one hundred-eighty Cree lodges were located in Montana: eighteen in Great Falls, forty in Silver Bow, forty in Horse Plain, five in Missoula, two on the South Peigan Reservation, thirty five on the Crow Reservation, twenty in Glasgow, and twenty in Bull Hook. Little Bear personally traveled to all the Cree lodges,

convincing his people to agree to the deportation.⁷

On June 19, 1896, First Lieutenant John J. Pershing arrived in Great Falls at the Cree camp of Buffalo Coat. Through an interpreter he told the Indians that he came to them under the orders of the Great Father in Washington. He explained to them that he wanted to keep them together and that he would furnish them with rations until such time as they were transported to Canada. He further assured them that since he had seen, with his own eyes, the statute made by the Great Mother of Canada granting pardon for all acts committed during the Riel Rebellion, they could feel confident that no punishment awaited them.⁸

By July 9, the U.S. Cavalry forces under the command of Lieutenant Pershing had rounded up nearly all the Cree and had shipped them over the railroads to Canada. The railroad company had made a tremendous profit, and by July 10 all the appropriated funds had been spent. Major Sanno reported that the cost to ship 175 Indians 175 miles was \$1,000. As there were approximately 192 Indians yet to be deported, and as appropriations were exhausted, state officials determined that the remaining Cree would have to walk the estimated 350 miles to the Canadian border.⁹ Under the watchful eye of the U.S. Cavalry, the Cree marched from Missoula to Sweetgrass, on the Canadian border. They traveled through a rain storm, with the roads wet, and every

night they were forced to sleep on a damp camp ground. The majority of the Indians were suffering from bronchitis and colds, and as they neared the border, measles broke out in the camp. Although only four persons died on the trip, when the Indians arrived on August 6, 1896, at the Canadian border, many were seriously ill. They were perhaps the most desperate group of Indians yet to be turned over to the Canadian authorities.

Despite the fact that the Canadian government had granted amnesty to all those involved in the Riel Rebellion, the Royal Mounted Police of Canada sent two constables to meet the train carrying the Cree into Canada, and upon its arrival, arrested Little Bear and Lucky Man for their involvement in the Frog Lake Murders during the Riel Rebellion. Eleven years had passed since the rebellion. Only two women had survived the Frog Lake incident, and their recollection of the event had faded. When Little Bear and Lucky Man were brought to trial, the only witness against them was a Cree woman whose husband had been one of the victims of Frog Lake. However, because she denied having ever seen either Little Bear or Lucky Man, they were subsequently released.¹⁰

Within five years, the Cree were back in Montana. Many had returned in the confusion that surrounded the arrest of Little Bear and Lucky Man. Others, unable to forget the Canadian government's broken promise of amnesty, chose to

leave Canadian soil. Little Bear returned to Montana with this group where he again began to lead his people in their search for a permanent place to settle. The years from 1897 to 1903 were uneventful for Little Bear and his people. In 1899 they were still camped at Great Falls. The next year he and his group moved to an area near Cut Bank. At this time the Chippewa Indians were also reported to be in Montana camped near the city of Augusta, selling polished buffalo horns and bead work.

During 1901, there was an outbreak of small pox among a small group of Cree Indians camping on the Flathead Reservation. The federal government sent U.S. Cavalry forces to drive them from the reservation and quarantined them at a place north of Kalispell. Because state and local agencies refused to provide health services for the Cree, General Donovan sent the \$602.36 claim for care of the Cree while under quarantine to the Commissioner of Indian Affairs, requesting payment.¹¹ Although the federal government still did not recognize this group as Indian, they eventually agreed to pay the claim.

As the years passed, Little Bear grew weary of his efforts to secure land for his people. He knew that part of his problem was that he had been a participant in the Riel Resistance and that he came from Canadian soil, regardless of the fact that he and his followers considered portions of

the United States soil their homeland. With this in mind, he relinquished his leadership to his brother-in-law, Rocky Boy.¹² In 1902, Rocky Boy began his petition for a reservation, sending a petition to the Department of the Interior, Commissioner of Indian Affairs, asking for a portion of land on the Flathead Reservation. Paris Gibson, U.S. Senator from Montana, supported Rocky Boy's request with letters to the Department of the Interior. However, because two tribes, Salish and Kutenai, were already living on the Flathead Reservation, and more importantly, because portions of the reservation were going to be opened to white settlers, Rocky Boy's request was denied.

For the next six years, Rocky Boy and his followers continued their appeal for land. They sent scores of appeals to the Department of the Interior, to Congress, to individual members of the House and Senate, and to Montana newspapers asking for assistance in their plight. The editor of the Helena Independent reported:

Letters, telegrams, and personal appeals for aid reach me every day from some members of the hungry band. Letters written by half-breeds and dictated by a chief who could say far more in his own language than his scribes could put into English, tell of the starving conditions they are in.¹³

In 1908, the federal government made the first step toward granting Rocky Boy and his tribe the land they had been requesting for so many years. That year the Sixteenth Congress appropriated \$30,000 "for the purpose of settling

Rocky Boy's band of Chippewa Indians, now residing in Montana, upon public lands, if available in the judgment of the Secretary of the Interior, or upon some suitable existing Indian reservation in said State."¹⁴ The Secretary of the Interior was authorized to purchase "suitable tracts of land, water, and water rights, in said State of Montana, and to construct suitable buildings upon said lands and to purchase for them such necessary stock and implements of agriculture as he may deem proper."¹⁵

Fearing that this would mean their loss of grazing lands, Montana ranchers voiced strong disapproval of the Chippewa being given any lands that could be used for farming and grazing. A front page story in the Helena Independent emphasized the ranchers' feelings:

They [the Indians] understand how to chop wood, make railroad ties, cut fence poles and mining timbers, but they are not in any sense farmers....There is no objection to this band of Indians being located in some mountainous portion of the state that will never be required for white man's agriculture.¹⁶

For seven more years, Rocky Boy and his band of followers were held by promises of land. During this time they were shipped from place to place, until finally in 1915 Congress passed an act opening a portion of the Fort Assiniboine Military Reservation to the Rocky Boy Indians. The next year, Rocky Boy, by then a tired and weary old man, died, knowing that he had finally secured a home for his people.

CHAPTER 2 - FOOTNOTES

- ¹Raymond Gray, "History of the Cree Indians," pp.159-160.
- ²Ibid.,p.160.
- ³Verne Dusenberry, "The Rocky Boy Indians," p.4.
- ⁴Ibid.,pp.139-140.
- ⁵Gray,p.90.
- ⁶Dusenberry, "The Rocky Boy Indians," p.8.
- ⁷Ibid.,p.8.
- ⁸Ibid.,pp.3-4.
- ⁹Ibid.,pp.13-14.
- ¹⁰Ibid.,pp.6-8.
- ¹¹Gray,p.169.
- ¹²Dusenberry, "The Rocky Boy Indians," pp.8-11.
- ¹³Helena Independent, 10 March 1903, p.3,col.2.
- ¹⁴Proceedings of the Sixteenth Congress, First Session, in Verne Dusenberry, "The Rocky Boy Indians," p.11.
- ¹⁵Ibid.,p.11.
- ¹⁶Helena Independent, 21 October 1909, p.1,col 3.

CHAPTER 3

ADJUSTMENT, GROWTH, AND CONFLICT

The 1920's and 1930's were a time of adjustment, growth, and conflict for the Michif people in Montana. In September of 1916, the federal government opened the Rocky Boy Reservation for Indian settlement, and under the leadership of Little Bear, the Michif began to set up their own government structure. The lifelong dreams of three great leaders, Little Shell, Rocky Boy, and Little Bear, finally found their roots in the Bear Paw Mountains. However, only Little Bear and Rocky Boy lived to see their wandering people find a home. After relinquishing his leadership to Rocky Boy, Little Shell had returned to his beloved Turtle Mountains in North Dakota, where he died in 1904. Rocky Boy lived only long enough to see his efforts fulfilled with the establishment of Rocky Boy Reservation in 1916, dying a year later. Only Little Bear, the great Cree leader, lived to see his people establish dominance within the reservation structure. With the death of Little Bear in 1922 came the death of the traditional concepts of the band structure. As reservation Indians, the Michif were now forced to learn the white man's ways of government. They were no longer to be

ruled by tribal chiefs, no longer to maintain their nomadic band structure. This new concept of living was to cause many conflicts for the Michif people who had been used to the freedom of their nomadic lives.

The 1920's and 1930's also brought years of depression, war, and conflict among the Cree and Chippewa as they fought over the available land space on the Rocky Boy Reservation. The drastic change in their way of life forced them to learn much in an incredibly short time. They had to learn how to set up a constitutional form of government and how to deal with state and federal agencies. In order to survive, they were forced to adjust to the white man's concepts of materialism and capitalism and to raise their standards of living according to the white man's cultural values.

After the death of Rocky Boy in 1917, the federal government announced that allotments were to be granted to landless Indians on the Rocky Boy Reservation. The response to the announcement was overwhelming. Hundreds of homeless Chippewa, Cree, and Michif Indians moved to the Bear Paw Mountains. This presented an overwhelming problem because there were not enough provisions for those already living on the reservation, let alone for these new arrivals.¹ In his report to the Commissioner of Indian Affairs, the Superintendent in charge of the Rocky Boy Reservation described the conditions on the reservation as "improving."² He described

most of the Indians as having given up their former nomadic habits and having settled peacefully on the reservation. He further explained that from what he could see, the people were working to achieve a self-supporting life style.³ The Michif had worked long and hard to obtain land and to be able to support themselves on this land. They built houses for themselves from the timber available on the reservation. They constructed a barn, storehouse, and other buildings; and, despite their minimal knowledge of farming, they cultivated several hundred acres of land during their first year.

Up until this time, no official roll had been drawn up to determine eligibility. Because the reservation had become overcrowded following the federal government's announcement in 1917 that the land was open to all landless Chippewa and Cree Indians, the Commissioner of Indian Affairs requested that the Superintendent conduct a census of all Indians residing on the Rocky Boy Reservation. The Superintendent's initial list contained 657 names. After reviewing the records of each name and consulting the tribal business committee, the Superintendent submitted a final report stating that 451 of those living on the reservation were members of the Rocky Boy tribe. Following the orders of the Commissioner of Indian Affairs, the remaining 206 names were deleted from the approved tribal roll. Because the Cree dominated the reservation, many of those eliminated were Chippewa.

This conflict culminated ten years later with the formation of "The Abandoned Band of Chippewa Indians" led by Joe Dussome. In 1934, this group incorporated into "The Landless Indians of Montana."⁴ In 1934, a younger group split from the "Landless Indians of Montana," calling themselves "The Montana Landless Indians," with Raymond Gray their primary leader. Despite protests from those Indians already residing on the Rocky Boy Reservation, both of these groups attempted to settle on the reservation. In response to the protests of the Landless Indians that they rightfully should be included in the federal rolls of Rocky Boy, the federal government promised to buy 37,000 acres of land adjacent to the Rocky Boy Reservation. However, at the same time the federal government also promised to purchase more hay land for the Indians already living on the Rocky Boy Reservation. In an attempt to meet the needs of both groups of Indians, when the government purchased the land, it placed the land under the jurisdiction of the Rocky Boy Agency.

The result of this decision proved detrimental to both Landless Indian groups and caused a dispute over the rightful ownership of the land. As representatives of the Landless Indians, Dan Sangrey, Louis St.Marks, James Brown, and J.R. Dussome went to Washington D.C. to meet with William Zimmerman Jr., Assistant Commissioner of Indian Affairs. On June 12, 1936, Zimmerman responded in a letter

that outlined the conclusion of their meeting with him. In his letter, Zimmerman emphasized that "the Office believes that we have a definite responsibility to the Rocky Boy Indians to round out their present reservation."⁵ He stressed that the primary use for the 37,000 acres added to the reservation was to provide hay land to permit the Rocky Boy Indians to increase their number of cattle and to assure them of sufficient hay to feed their herd during the severe Montana winters. Thus, Zimmerman's letter emphasized, only the land not used as hay land was to be allotted to landless Indians. This land, he emphasized, would be sufficient for approximately one hundred new families to be chosen by the Rocky Boy Agency.

Under the Indian Reorganization Act of 1934, those persons wishing to be selected to live on the new tracts had first to establish themselves as "individuals of one-half or more Indian blood and their application for enrollment must be approved by the Secretary of the Interior."⁶ Zimmerman pointed out in his letter that when the new members were recognized and admitted and the numbers of new families located on the land was adequate, then a more permanent organization could be established under the Reorganization Act. In response to Dussome's request that the Landless Indians be given their own reservation separate from the Rocky Boy Reservation, Zimmerman conceded, "Later this land may be proclaimed by the Secretary of the Interior as a new

reservation or it may be added to the existing Rocky Boy Reservation."⁷ However, the assignment of terms and conditions and the determination of admitting these new enrollees to membership was to be made by the Rocky Boy Indians. Overlooking the major conflict that had previously divided the two tribes, Zimmerman refused to grant separate lands to the Landless Chippewa Indian groups, stating only:

Since both groups are closely related and tribally affiliated, it occurs to me that many of your anticipated problems can and should be worked out together.⁸

Having thus been informed that the fate of his people was now in the hands of the Rocky Boy Reservation, Dussome pursued further the question of a separate reservation with the Business Council of the Rocky Boy Agency. However, here too his request was denied. As spokesman for Rocky Boy, (Joe) *Jred* Nault emphasized the need that his own people had for the 37,000 acres. Reiterrating Zimmerman's points, Nault emphasized the need to increase their cattle herd and to acquire hay land sufficient to care for the needs of the cattle during the severe winter months. Nault further emphasized that the "landless Indians" Zimmerman referred to in his letter were not specified to be "The Landless Indians of Montana." He questioned Dussome's right to consider that the term 'landless' referred to his Landless Indians of Montana:

That this land has been bought for the landless Indians, true, but do you suppose that the Indian Office has misinterpreted the word landless Indians? ...We presented an acquisition for more land for the landless Indians that were members of the Rocky Boy Tribe that needed land. They were members of this reservation but at the same time they were landless. On the strength of that application we got a very satisfactory answer from the Indian office saying, we will buy more land to take care of your landless Indians. That is where the word landless came in.⁹

Although Dussome continued to emphasize to the committee that these lands had been purchased at the petition of his tribe as well and that he and his tribe, therefore, had as much interest in the land as the Rocky Boy Indians had, Nault refused to acknowledge any claim Dussome and his followers might have to the land. He concluded by telling Dussome:

We are doing all we can to try to take care of everybody but we haven't got enough land. As far as starting a new reservation, I heartily agree with you. But as far as giving you any portion of our holding, that is unreasonable. We will take care of only those adopted ones and our landless first.¹⁰

Mr. McNeilly, the Indian Office agent on the Rocky Boy Reservation, was present at this meeting. He told Nault and Dussome that the Indian Office recommended that twenty-five families be adopted from the non-ward group. In statements to Dussome, McNeilly said that there was a point that had never been recognized by the Landless Indians, especially Mr. Gray's group, who objected very strenuously to the fact that the Rocky Boy agency had the right to pick out those Indians they wanted to adopt. McNeilly pointed out that the

constitution, as set up, gave Rocky Boy's organization full power and full authority in electing newly adopted people. He further pointed out to both groups that the Landless Indians were of the same blood, or at any rate, closely related, and as an Indian group were entitled to a home-site.¹¹ In response to Dussome's request for a separate reservation for his tribe, McNeilly pointed out:

If that land was made into a separate reservation, you people would be in a bad situation because you wouldn't have summer range land or timber facilities....If you want a separate reservation, you should get away from here in order that you won't get mixed up.¹²

Despite Dussome's argument that he and his people had fought for thirteen years to get land for the Landless Indians and that the decision of the Indian Office to place this land under the authority of the Rocky Boy Reservation was unfair and unjust, his request was flatly denied. Reemphasizing that his tribe had no land to give to the Landless Indians, Nault offered Dussome only his sympathy for their plight.

Once again history dealt a crucial blow to the Little Shell Tribe of Landless Chippewa Indians. By this time, many of them had been forced to abandon their farms on the Rocky Boy Reservation and had settled on "Hill 57" on the outskirts of Great Falls. Named during Roosevelt's presidency, "Hill 57" was the high plateau area on the West Side of Great Falls, used as an emergency landing field for

overseas Army air mail service transports.¹³ The other group of Landless Indians, comprised predominantly of the Pembina band of Chippewa under the original leadership of Little Shell, was headquartered at Chinook, with lodges throughout the eastern portion of Montana. By the 1940's, approximately two thousand landless Chippewa and Cree Indians were living in the highland area of Montana. Despite their many pleas to the federal government, they still had not gained the recognition they sought.

CHAPTER 3 - FOOTNOTES

¹Raymond Gray, "History of the Cree Indians," p.149.

²Ibid.,p.175.

³Ibid.

⁴Verne Dusenberry,"Waiting for a Day that Never Comes,"
p.38.

⁵William Zimmerman, Jr. to J.R. Dussome and the Rocky
Boy Delegation, 12 June 1936, National Archives, File Box
No.38838-35-Rocky Boy, 1936.

⁶Ibid.

⁷Ibid.

⁸Ibid.

⁹U.S. Department of the Interior, Office of Indian
Affairs: "Minutes of the Rocky Boy Business Council," 2 May
1940, National Archives, File Box No. 38838-35-053-Rocky
Boy, 1936, p.6.

¹⁰Ibid.,p.7.

¹¹Ibid.,pp.8-9.

¹²Ibid.,p.9.

¹³Sister Providencia, "About Hill 57" (Unpublished
manuscript: College of Great Falls, Montana, 1952), p.3.

CHAPTER 4

THE ROAD OUR FATHERS WALKED

The Dawes Allotment Act of 1887 was the one piece of federal legislation that had the greatest impact on the lives of the Indian people because it destroyed their tribal traditions and their earlier ways of life. Legislated during Grant's Peace Policy Era, the Dawes Act introduced three important changes into the free nomadic lives of the Indians. The act provided that "Plains Indians were to be dismounted, disarmed, and placed on suitable reservations where they could take up white man's culture."¹ The whole ideology represented a gross misinterpretation of the traditional lifestyle of Indian people, destroying their communal existence and their harmony with nature.

By the end of the nineteenth century, the age old process of dispossessing the Indians was in rapid acceleration. The movement westward across the United States was at its peak, brought about by such factors as the expansion of the railroad, the discovery of gold, and the Homestead Act of 1862.² The railroads gave a powerful impetus to the westward march of land-hungry European immigrants, whose numbers were also rapidly increasing. Furthermore, the new industrial needs made mining and lumbering operations far

more important than the Indian's title to his land.

As settlers moved further and further westward, the roaming bands of Indians became a greater threat. To many the only solution was to force civilization on the Indians. Ten years before the passage of the Dawes Act, an agent for the Yankton Sioux made the following recommendation to the Superintendent of Indian Affairs:

As long as Indians live in villages, they will retain many of their old and injurious habits. Frequent feasts, community in food, heathen ceremonies and dances, constant visiting -- these will continue as long as people live together in close neighborhood and villages....I trust that before another year is ended, they will generally be located upon individual lands of farms. From that date will begin real and permanent progress.³

Despite the federal government's pretense that the Dawes Act was passed to give the Indians their rightful share of land, D.S. Otis, in his study of federal Indian policy, observes that the chief advantage of the policy of the Dawes Act for the federal government was the opening up of surplus lands on the reservations.⁴ In the debate on the Dawes Act, the Minority Report of the House Indian Affairs Committee in 1880 openly stated that the real aim was to get at the Indian's lands and open them to settlement.⁵ Otis contends that the provisions for the apparent benefit of the Indian were a pretext to take away the land from the Indian and to exert a stronger policy of civilization on this heathen population.

Despite opposing views, the Dawes Allotment Act was passed on February 8, 1887. The act authorized the President of the United States to proceed with the allotment of land and to declare those Indians who received allotments to be citizens of the United States. Upon its passage, many Indians saw the Dawes Act as providing them a guaranteed form of protection against further encroachment by the invading white settlers. They also believed that it would provide them a guarantee from the federal government that with allotment they would never be removed from their land. One Omaha Indian who asked for allotment expressed these sentiments:

The road our fathers walked is gone, the game is gone, the white people are all about us. There is no use in any Indian thinking of the old ways; he must now go to work as the white man does. We want titles to our lands that the land may be secure to our children.⁶

The Dawes Allotment Act effected all tribes and bands of Indians located on any reservation created for their use either by treaty, by an act of Congress, or by Executive Order. Through this act, the President of the United States was authorized to have designated reservations surveyed or resurveyed if necessary, and to allot the lands of those reservations to its Indian population.⁷ The unused land was to be open to white settlement. Traditionally the Indians viewed land as communal. The tribe's members owned the land together and worked together to maintain their self-sufficiency. This group ownership of land provided the

Indians with a unique cohesiveness. As Impre Sutton states:

Land sustains the life style of countless tribes, even when little acreage is in production or has productive value. Land sustains for more than subsistence, and indeed many Indians recognized decades ago the folly of attempting to sustain their daily needs on acreage that is marginal, both in resources and in per capita size.⁸

One of the major changes the Dawes Act brought about was in the communal lifestyle of the Indian. The chief provision of the Dawes Act was to grant one hundred sixty acres to each head of family, eighty acres to each single person over eighteen years of age and to each orphan under eighteen, and forty acres to all other single persons under eighteen years of age. Secondly, the act authorized a patent-in-fee to be issued to every allottee. This patent-in-fee was to be held in trust by the federal government for twenty-five years, during this time the allotted lands could not be alienated or encumbered. The third provision of the act allowed the Indians a period of four years to make their selection of allotted lands. According to the terms of the act, if any Indian did not make a selection of lands during that time, a selection would be made at the order of the Secretary of the Interior. The fourth provision of the act conferred citizenship upon allottees and upon any other Indians who abandoned their tribes and adopted the habits of the "civilized" agricultural society.⁹ The ultimate purpose was to remove the Indian as a threat to the settlers moving

westward, to open Indian lands, and to allow the Indian to become an independent farmer and an upright citizen.

However, the Dawes Act had many negative effects on the lives of the Indian people. The allotment of land divided the people and caused conflicts over separate ownership of property. Most studies of the allotment of Indian lands have concluded that two main problems existed. First, the allotment concept created land units that were too small to be successful and to allow for subsistence of the families. The economics of the rural areas had reached a point where larger units had become essential for subsistence productivity. Second, the tenure structure was changed to help resolve land use problems and to allow the tribes to achieve corporate economy partially through incorporation of allotted lands in consolidated schemes.¹⁰ Many historians have observed that the act created a built-in obstacle in the economic development of the Indian people.¹¹ They point out that through the Dawes Act the United States government effectively robbed the Indians of their old ways of securing a livelihood and in return offered them no viable substitute. The end result stripped the Indians of their land and their freedom.

The major conflict between the Cree and the Chippewa residing on the Rocky Boy Reservation was caused by the terms of the allotment policy. Throughout their years of wandering in their search for a home, the Cree and the

Chippewa had banded together. Bonded by a common cultural heritage, a common language, and a common goal, both groups considered themselves to be Michif Indians. However, as separate groups their conflicts had been minimal. Living not as one group of people but as neighboring groups, each with its own tribal system of government, they had joined forces in search of land. The Cree had been under the leadership of Little Bear; the Chippewa, under the leadership of Little Shell and later Rocky Boy. However, when the landless Michif Indians were given a reservation in 1917, they were forced to form a constitutional government patterned after the white man's form of government. They no longer were able to live as two separate groups but were forced to live as one group. Because Little Bear was the only one of the three great leaders to live after the reservation was established, he and his people dominated the reservation.

Since it was the philosophy of the Dawes Allotment Act to divide the land into parcels and to give it to individual members of the tribe, the Rocky Boy Business Council decided to keep the tribal lands under tribal ownership, but to allot out parcels to its members. However, two problems arose. As was true with many reservations, the land they had been given was undesirable, in many cases unusable for farming and grazing. As W.B.Sands, attorney for the Little

Shell Tribe of Landless Chippewa Indians, described it:

Of the 56,000 acres of land in the Rocky Boy Reservation, over half of it is high mountains -- land totally unfit for farming, of slight value only for grazing, and land valuable for timber, that the other half, fully two-thirds or three-fourths is very rough and hilly, with a high altitude and semi-arid, that the small area of bottom land suitable for farming cannot be irrigated for the reason that the water being at the head of Box Elder and Beaver Creek was appropriated by white settlers farther down, before the reservation was created and as the water is very scarce, these bottom lands are of no great value.¹²

Because the two tribes were forced to develop a constitutional form of government, they were no longer able to live in peace as they had before. Their common cultural bonds and common language were not enough to provide the necessary group identity. Therefore, the Cree continued to dominate the policy decisions of the Rocky Boy Council. In a letter to the Commissioner of Indian Affairs, Sands voiced the complaint that because twelve of the thirteen members of the business council were Cree, the Landless Chippewa had lost their rights to the reservation land.¹³ He emphasized that because the council controlled the disbursement of land, the Chippewa found themselves slowly being pushed off the Rocky Boy Reservation. When the 37,000 additional acres were added to the reservation in 1936, the Cree quickly claimed it for their own people. The Landless Indians, who had for so many years traveled with their Cree brothers in their search for land, who shared a common culture, who spoke the same language, were outsiders wanting to take the

reservation land away from its rightful owners. When Dussome appeared before the Rocky Boy Business Committee, Nault clearly told him that the two tribes were separate and thus must live on separate lands. "It wouldn't be right if I only had a slice of bread to take care of my family," Nault told Dussome, "and I gave you half of that and let my children go without. That is just the very same way we feel."¹⁴

Thus, the struggle of Little Shell's Tribe of Landless Chippewa Indians did not end with the establishment of the Rocky Boy Reservation in 1917. The Landless Chippewa found themselves, once again, denied the rights that were given to other Indian people. The Rocky Boy Reservation refused to accept them as enrolled members of the tribe; therefore, they remained ineligible for an economic land base. The state of Montana refused to acknowledge them as citizens of the state; therefore, they remain ineligible for state services. Yet the people continued to maintain their cultural traditions and to hold onto the belief that some day they would be granted what was rightfully theirs.

CHAPTER 4 - FOOTNOTES

¹Paul F. Sharp, "Blackfeet at the Border: One People Divided," Montana: The Magazine of Western History, 20 (Winter 1970): 12.

²D. S. Otis, The Dawes Act and the Allotment of Indian Lands (Norman, Oklahoma: University of Oklahoma Press, 1973), p.13.

³Ibid., p.9.

⁴Ibid., p.19.

⁵Ibid., p.41.

⁶Francis Paul Prucha, Documents of United States Indian Policy (Lincoln, Nebraska: University of Nebraska Press, 1975), p.171.

⁷Impre Sutton, Indian Land Tenure (New York: Clearwater Publishing Company, 1975), p.2.

⁸Otis, p.7.

⁹Sutton, p.63.

¹⁰Alvin M. Josephy, Jr., The Great Sioux Nation (Berkeley, California: Moon Books, 1977), p.26.

¹¹Ibid.

¹²W. B. Sands to the Commissioner of Indian Affairs, 21 February 1931, National Archives, File Box No. 900-053-Rocky Boy, 1931, pp.2-3.

¹³Ibid., p.2.

¹⁴"Minutes of the Rocky Boy Business Council," p.8.

CHAPTER 5

THESE PEOPLE SHALL BE FREE

This country's most callous treatment of American Indians during this century came into full view during the 1950's and 1960's with the enactment of the Termination Policy. The American Indian Policy Review Commission Final Report, published in 1977, states that the United States adopted this policy as an attempt to disavow its responsibilities to approximately one hundred Indian tribes. The United States' goal was to slowly terminate its special relationship with these Indian tribes by shifting the financial costs to the public welfare system. With the enactment of this policy, termination was forced on the American Indians, many of whom did not understand the ultimate purpose of the policy and who, therefore, were unable to foresee the results.¹

For the Little Shell Tribe of Landless Indians of Montana the effects of termination had been apparent from the first moment that their leader, Thomas Little Shell, had refused to sign the Ten-Cent Treaty of 1892. Since that time, he and his people had been denied membership on the rolls of the Turtle Mountain Indian Reservation. With their

subsequent search for tribal identity and through the efforts of Little Bear and Rocky Boy, the Little Shell tribe was to have been given a place on the Rocky Boy Reservation when the tribal rolls were established in 1917. However, because both Little Shell and Rocky Boy died prior to 1917 and because Little Bear, the Cree leader, dominated the development of the reservation, when tribal rolls were drawn up Little Bear's people refused to recognize the Chippewa and Michif Indians. Thus, the Little Shell Tribe of Landless Chippewa Indians found themselves once again denied recognition. Termination, therefore, was not to be a new policy for them.

Several explanations have been offered as to the rationale for the Termination Policy. The Task Force Ten Report on Terminated and Non-Federally Recognized Indians gave several reasons for the policy.² First, it contended that those tribes that were financially capable of self-sufficiency no longer needed a subsistent relationship with the United States government. Second, the report proposed that integrating the Indian population into American society would be a major way to relieve widespread poverty among Indians. The task force report also emphasized that termination would alleviate the mounting Indian and Congressional disfavor over the operation of the Bureau of Indian Affairs as well as the increasing concern over the undefined

law-and-order jurisdiction on or near Indian reservations. The primary reasons for the Termination Policy, however, were the desire of the federal government to shift its responsibilities to the states and the undenied desire of non-Indian interests to obtain commercially valuable tribal lands.

The evolution of federal Indian policies leading up to the Termination Era included the Indian Removal Act of 1830 and the Dawes Allotment Act of 1887. These two policies were followed by the Indian Reorganization Act of 1934. It was this Reorganization Act that is most closely related to the Termination Policy and which was the most directly affected by the policies of termination.

Under the policy of the Indian Reorganization Act of 1934, any Indian tribes residing on reservations were given the right to organize for their common welfare. This permitted the tribes to adopt their own constitution and by-laws. In addition to the powers already vested in the tribal councils, the tribes were now given the right to legal council, and the right to negotiate with federal, state, and local government agencies. However, the tribes did not have sole rights in these matters since all decisions were subject to the approval of the Secretary of the Interior.³

Resistance to the Indian Reorganization Act (I R A) policy came both from Capitol Hill and from the Indian

tribal councils. Many of the tribal councils voiced strong disapproval of this new policy, emphasizing that it ignored and destroyed their traditional forms of tribal government. At the same time, there was increasing criticism from Capitol Hill. Many congressmen called for a repeal of the I R A, complaining that the I R A constitutions gave the tribal councils too broad a power. Those encouraging the repeal of the I R A advocated complete integration of the Indians into American society. In 1945, John Collier, Commissioner of the Bureau of Indian Affairs since 1933 and chief proponent of the Indian Reorganization Act, resigned. Four years later, the Hoover Commission issued a Report on Indian Affairs, recommending a new direction be taken in the area of Indian affairs. Those supporting this new Termination Policy called it the "emancipation" of the Indian people. Senator Arthur V. Watkins, one of the strongest advocates of the Termination Policy proclaimed:

With the aim of "equality before the law" in our mind, our cause should rightly be no other. Firm and constant consideration for those of Indian ancestry should lead us all to work diligently and carefully for the full realization of their national citizenship with all other Americans. Following in the footsteps of the Emancipation Proclamation of ninety-four years ago, I see the following words emblazoned in letters of fire above the heads of the Indians:
"These people shall be free!"⁴

The Indian people were to find, however, that termination did not give them the freedom of which Watkins spoke.

When Dwight Eisenhower took office as President in 1953 and Republicans also carried the majority of the House and Senate, arguments in favor of termination increased on Capitol Hill. In Eisenhower's first year in office, he began efforts to reduce the involvement of the federal government in Indian affairs. This action took form in House Concurrent Resolution 108, introduced on June 9, 1953, and passed into law on July 28, 1953. This resolution stated that it was the policy of Congress to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as other citizens of the United States. In response to this resolution, Congress declared that, at the earliest possible time, all of the Indian tribes and the individual members of those tribes located within the states of California, Florida, New York, and Texas should be freed from federal supervision and control.⁵

The Department of Interior was given the task of drafting legislation to implement the policy. Hearings were held at which time tribal delegates presented their concerns. However, because these tribal delegates were consulted after the passage of the resolution, any opposition on their part was futile. Thus, despite the fact that the majority of the Indian spokespersons at the hearing opposed the legislation, their opposition was not strong enough to be considered. Those Indians who favored the

Termination Policy were looking only at the personal advantages of receiving their own share of the tribal lands. Others expressed concern that tribal ownership of property was communistic. They argued that they wanted to be free of the government control wielded by the Bureau of Indian Affairs and to be able to sell their trust property if they so desired. Termination seemed to be the key to this freedom.

However, the majority of the tribes were against the Termination Policy for financial as well as for procedural reasons. They were concerned not only with losing more land but also with losing the rights and privileges they had been granted by the treaties they had made with the United States government. The enactment of the Termination Policy brought many of the changes these Indians had feared. The primary change was in land ownership. For the small tribes, all land was appraised by the federal government and sold to the highest bidder with the proceeds of these sales going to the individual tribes. Some tribes gave their members a choice between immediate payment and participation in a private trust. Most chose immediate payment.

Once the termination policy went into effect, the federal government no longer gave its advice on land and resource management. As a result, there was no federal protection against the sale of lands. State legislative

jurisdiction was also imposed. Prior to this time, only the tribal councils and Congress had the power to pass laws on federally recognized Indian reservations. After these tribes were terminated, state legislatures and county governments were given the authority over policies for education, adoption, alcoholism treatment, land use, and other social and economic concerns. This drastically reduced the options of the Indians to determine their own life style.

The next year Public Law 280 was passed, giving the states judicial authority over the tribes. Up until this time, federal and tribal courts heard cases on federally recognized reservations, and the states had only limited jurisdiction in these matters. With the termination policy, all civil and criminal cases went to state courts, despite the fact that tribes had for years argued for federal and tribal authority over the Indians on reservations, emphasizing that state courts were discriminatory.

Another impact of termination involved taxation. Prior to this time, Indian people living on reservations had enjoyed almost total immunity from state taxation. The states had not suffered any great financial loss because of this, however, since the federal government had compensated the states for any lost revenue. With termination, however, the tribes and the individual tribal members were forced to pay state taxes.

Termination also ended the special federal programs providing training, housing, recreation, and business grants and contracts to tribes. Special federal programs to individual tribal members which had provided special health, education, and welfare assistance were also ended. The Termination Policy effectively eliminated the concept that an Indian tribe had sovereignty. With the loss of their land base, Indian tribes no longer had a geographic area to govern; therefore, terminated tribes no longer needed to make laws or to maintain tribal courts.⁶

As Getches, Rosenfelt, and Wilkinson point out in their study of the policy of termination, the only compensation individual tribal members received was a check for the value of their land. They emphasize that in most instances these payments were far below the appraised value of the land, definitely not total compensation for the loss of federal benefits or for the new tax burden.⁷ It also in no way paid for the loss of tribal government authority, or compensated for the discrimination in the state agencies and courts that followed termination.

Termination can be viewed as the extreme of any assimilation policy. Termination provided an excellent opportunity for a great deal of Indian lands to pass out of Indian ownership. The trust status of land was ended. The land was now taxable and could now be sold without the

approval of the Bureau of Indian Affairs. Often individual Indians, inexperienced in market values or appraisal values of their land sold their holdings for little or nothing.

As for the Little Shell Tribe of Landless Chippewa Indians, they had lost the rights to their tribal land base years before termination when they refused to sign the Ten-Cent Treaty in North Dakota, and again when they were denied enrollment on the Rocky Boy Reservation. The Cree dominated the structure of the reservation, and the Chippewa were once again forced to wander without a land base. However, they were no strangers to the effects of Termination, and they certainly were not free to choose the benefits that state agencies offered recognized Indian tribes.

FOOTNOTES - CHAPTER 5

¹U.S. Department of the Interior: American Indian Policy Review Commission Final Report (Washington, D.C.: U.S. Government Printing Office, 1977), p.461.

²U.S. Department of the Interior: Task Force Ten Report on Terminated and Non-Federally Recognized Indians (Washington, D.C.: U.S. Government Printing Office, 1976), p.34.

³David H. Getches, Daniel M. Rosenfelt, and Charles F. Wilkins, Federal Indian Law (St. Paul, Minnesota: West Publishing Co., 1979), pp79-83.

⁴Ibid., pp.86-88.

⁵Ibid., p.91.

⁶Ibid., p.93.

⁷Ibid., pp.95-100.

CHAPTER 6

A QUESTION OF RECOGNITION

Despite the fact that Chief Little Shell's Tribe of Landless Chippewa Indians has been continually refused recognition by the federal government, their unique Michif language remains the one cultural element that maintains their tribal identity. It is this common language bond that holds the key to their eventual recognition as a legitimate Indian group.

In his study of multi-ethnic societies, L. G. Kelly contends that the survival of any ethnic group is indicated by that group's maintenance of its living language.¹ Sociolinguists define a living language as one that is evident in the speech of the young people as well as in that of the older generations. A second essential quality of a living language is the maintenance of a rich oral tradition and a written literature. Therefore, Kelly points out that language becomes of primary importance in the study of any culture, and evidence of the maintenance of a living language is a critical factor in the determination of the authenticity of any ethnic group.²

However, the Michif language has many opponents. One

of the major linguistic arguments against the acceptance of the Michif language as a living language is that it is not a pure language. Languages such as French and German which have their own unique language base are considered pure. English is also considered to be a pure language despite the fact that it is the result of a combination of a number of Indo-European languages. In her paper, "From One Nation in the Northeast to a New Nation in the Northwest," Olive Dickason argues that the element of language purity is often too narrowly defined in linguistic studies. She contends:

Europeans brought such attitudes with them across the Atlantic as part of their cultural baggage, which they had inherited from the days of the Renaissance and earlier. It was an aspect of the prevalent belief in absolutes: the pure, white and good were seen as being at the top of the world hierarchy, while the impure, black, and evil were at the bottom.³

In his analysis of the Michif language, John Crawford defends the worthiness of the language. He states, "Perhaps the most remarkable fact about Michif is its ability to be ignored."⁴ People who speak the language cannot easily analyze its linguistic structure and cannot easily assess its linguistic value; therefore, they often have various opinions regarding the validity of their language. The major conflict in the acceptance of Michif as a living language, Dr. Crawford points out, is that it is a language blending French noun forms into an Indian language structural base. Dr. Crawford notes:

To most any speaker of French, whether European or Canadian, to hear language in which Canadian French is a major ingredient but which at the same time is dominated by another language, and an Indian one at is to sense a feeling of shock and despair about the deterioration of language.⁵

This conflict over the purity of the Michif language extends to the Michif people as well. This is further emphasized in Olive Dickason's perspectives on the ethnic pride of institutions of standard forms of language.⁶ She points out that this is reinforced through the social classification of a group of people. These social categories place 'half-breed' or Michif people on a lower social order. They are considered to be neither white nor Indian. This social labeling has had a definite negative impact on the people themselves. The Michif have been labeled for so long as half-breeds that they have come to accept the same labeling of their language as being a half-breed language.

In 1972, Dr. Crawford conducted a survey among the native speakers on the Turtle Mountain Indian Reservation in North Dakota in order to assess the Michif people's concept of their language. Many of their responses labeled the language as "slang," "jargon," and "a mixed jumble of words."⁷ As Crawford further analyzed the language, he contended that only on the surface did the Michif language appear to be poorly organized. His research of the language has revealed that it is, in fact, quite regular in structure, and is, therefore, worthy of being considered a unique

and viable language form.

Because Michif is a mixture of French and Cree many linguists have labeled it as a creole or pidgin language. However, analysis of the Michif language shows this to be a false assumption. The traditional definitions of these two terms are needed to understand the basis of this misidentification:

A pidgin is a marginal language which arises to fulfill certain restricted communication needs among people who have no common language. In the initial stages of contact the communication is often limited to transactions where a detailed exchange of ideas is not required and where a small vocabulary drawn almost exclusively from one language suffices. The syntactic structure of pidgin is less complex and less flexible than the structures of the language which were in contact, and though many pidgin features clearly reflect usages in the contact language others are unique to the pidgin.⁸

A creole arises when a pidgin becomes the mother tongue of a speech community. The simple structure that characterized the pidgin is carried over into the creole but since a creole, as a mother tongue, must be capable of expressing the whole range of human experiences, the lexicon is expanded and frequently a more elaborate syntactic system evolves.⁹

A careful analysis shows that Michif does not fit into either category. Its vocabulary is a blending of two languages rather than being drawn from primarily one language. Unlike the loose syntactic structure of pidgin languages, Michif has a carefully categorized grammatical and syntactical structure. In his analysis of the Michif language, Dr. Crawford strongly contends that it is neither a creole nor a pidgin language. He maintains that the primary argument

against categorizing Michif as either creole or pidgin is that Michif has a strong base in two very healthy cultures.¹⁰ The complexity of the language is maintained in two cultures instead of one, further denying the possibility that Michif is either creole or pidgin.

A careful linguistic examination of the structure of the Michif language reveals that there is a great deal of regularity in the language. The French and Cree components are not haphazardly combined as they would be were Michif a pidgin or creole language. The key characteristic of the Michif language may, in fact, be the regularity with which its language components are combined. Dr. Crawford points out that "the nature of its regularity may make it unique among languages of the world, and the range of dialect differences is extremely minor in comparison with that uniformity at the core."¹¹

The noun phrases of Michif are French, but the verb structure is definitely Cree. Because the verb structure is the core element of a language, this strengthens further the argument that Michif is not a creole or pidgin language, but a native American language form which added French noun phrases in its basic makeup. The syntax is also Cree with French and also some English syntactical structures used occasionally. A good example of this is found in an analysis of the use of the French noun phrase. Almost all the

Michif nouns are spoken as French nouns, and the gender system of the French is predominant. In noun phrases the French phonology and the French gender system are the dominant form. This is true even when an English noun has found its way into the language. The following examples show the French dominance in the noun structure:

| | | |
|-----------------|---|--------------------------|
| ein pchit fee | - | a little girl (feminine) |
| ain pchi garcon | - | a little boy (masculine) |
| ain bus | - | a bus (masculine) |

In his analysis of Michif, Dr. Crawford contends:

Since these characteristics are common to the language of all speakers of Michif, they constitute a strong indication that far from being haphazard, Michif is extremely structured, almost unbelievably so because of the unusualness of the manner in which the two languages have combined.¹²

The important point Dr. Crawford makes is that the language is so well structured that it has become cemented into an independent and distinct language. Adding to this solid foundation is the development of language and cultural programs on the Turtle Mountain Reservation which began in 1974. These programs include language classes, the taping of oral traditions, the encouragement of traditional fiddle music playing, and an overall effort to promote community pride in the ethnic origins of the Michif people.¹³

At the present time, the Michif language is the dominant language of the Indians living on the Turtle Mountain Reservation in North Dakota and among the state chartered

members of the Little Shell Tribe of Landless Indians in Montana. L. G. Kelly points out that most linguists accept the theory that if a small language group has access of communication with other groups that speak the same language, then it is likely that the language will survive.¹⁴ This survival of the language has definitely been true for the Landless Chippewa and is for them the major key to their identity as Indians.

With this in mind, the strong development of the Michif culture as separate from either its Indian or its European parent has had a definite influence. The Michif culture is a critical element in the development of the language. The Michif people who are more closely tied to their native American background are more likely to speak the Michif language than are those who have not retained their cultural heritage. Therefore, the Michif culture with its native American dominance must be recognized as a strong element. This culture occupies a viable space between the French and the Cree cultures. If Michif were to be placed with only one of these two groups, it would then belong with the Cree, since Cree is the dominant element of the language and of the culture. The language would not have survived without these strong roots in its native American culture.¹⁵ In recent years, there has been continued evidence to consider the Michif language as a possible dialect of the Plains

Cree. Evidence that this is true may be what is needed for the Little Shell group to verify their claim for federal recognition.

Thus, despite their many years of being denied recognition as a legitimate Indian group, Chief Little Shell's Tribe of Landless Chippewa continue to speak a language which identifies them as Indian and which can no longer be dismissed as a half-breed combination of French and Cree with no formal structure. For many years they have searched for land, for many years they have lived on hope. Today they deserve to be recognized by the federal government as Little Shell's Tribe of Chippewa Indians of Montana.

FOOTNOTES - CHAPTER 6

¹L.G. Kelly, "Language Maintenance in Canada: Research Problems", in Sounds Canadian, Languages and Cultures in Multi-Ethnic Society, Paul M. Migus, ed. (Toronto: Canadian Ethnic Studies Association, 1975), p.23.

²Ibid., p.28.

³Olive Patricia Dickason, "From One Nation in the Northeast to a New Nation in the Northwest: A Look at the Emergence of the Metis," (Presented at the Metis in America Conference, Chicago, 1981), pp.5-6.

⁴John Crawford, "What Sort of Thing is Michif?," (Presented at the Metis in America Conference, Chicago, 1981), p.2.

⁵Ibid., pp.2-3.

⁶Dickason, p.6.

⁷Crawford, p.4.

⁸Loreto Todd, Pidgins and Creoles (London: Routledge and Kegan Paul, 1974), p.2.

⁹Ibid., p.3.

¹⁰Crawford, p.9.

¹¹Ibid., p.5.

¹²Ibid., p.7.

¹³Ibid., p.2.

¹⁴Kelly, p.23.

¹⁵Crawford, p. 11.

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